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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

IN RE:	}	CV MISC. NO. 2:22-mc-00131
LETTERS ROGATORY FROM		APPLICATION FOR ORDER
THE CANTONAL COURT OF		APPOINTING THE ASSISTANT
OBWALDEN, SWITZERLAND		UNITED STATES ATTORNEY AS
	}	COMMISSIONER
		(28 U.S.C. § 1782(a))

The United States of America by the undersigned, Stephanie S. Christensen, Acting United States Attorney for the Central District of California, by David M. Harris, Assistant United States Attorney, Chief, Civil Division, by Joanne S. Osinoff, Assistant United States Attorney, Chief, General Civil Section, petitions this Court for an Order pursuant to § 1782(a) of Title 28 of the United States Code, in the form submitted, appointing Joanne S. Osinoff, Assistant United States

1 Attorney, Chief, General Civil Section, or her successor in office, as Commissioner
 2 and directing the procurement of evidence from Justin James Benoit who, it has
 3 been determined, resides within the jurisdiction of this Court, pursuant to the terms
 4 and conditions set forth in the Letters Rogatory issued by the above-entitled court
 5 in Switzerland, pertinent to the Melody Jade Inabnit v. Justin James Benoit,
 6 reference number ZV 21004.

7 Attached as Exhibit 1 is a copy of the Letters Rogatory from the court in
 8 Switzerland. The court in Switzerland is asking that the evidence be obtained from
 9 Justin James Benoit.

10 The only restrictions explicitly stated in 28 U.S.C. § 1782 are: (1) that the
 11 request be made by a foreign or international tribunal or any interested person; (2)
 12 that the testimony or material requested be for use in a proceeding in a foreign or
 13 international tribunal; and (3) that the person or entity from whom the discovery is
 14 sought is a resident of or can be found in the district where the application is filed.
 15 See In Re Request for Judicial Assistance from the Seoul District Criminal Court,
 16 Seoul, Korea, 555 F.2d 720, 723 (9th Cir. 1977); United States v. Sealed 1, Letter
 17 of Request for Legal Assistance from the Deputy Prosecutor General of the
 18 Russian Federation, 235 F.3d 1200, 1205 (9th Cir. 2000) (citing Korea at 555 F.2d
 19 at 723 that, “Under the statute the only restrictions explicitly stated are that the
 20 request be made by a foreign or international tribunal, and that the testimony or
 21 material requested be for use in a proceeding in such a tribunal”); In Re Bayer AG,
 22 146 F.3d 188, 192 (3rd Cir. 1998).

23 All these requirements are met in this case. First, the request was made by
 24 the Cantonal Court of Obwalden, which is a foreign tribunal. Second, there is a
 25 proceeding in that court entitled, Melody Jade Inabnit v. Justin James Benoit,
 26 reference number ZV 21004, and the evidence being sought is for use in that
 27

1 proceeding by that court. Finally, it has been determined that Justin James Benoit
2 resides within the jurisdiction of this Court.

3 Therefore, the United States respectfully requests the Court to sign the
4 Order, being lodged under separate cover, appointing Joanne S. Osinoff, Assistant
5 United States Attorney, Chief, General Civil Section, or her successor in office, as
6 Commissioner, and directing the procurement of evidence from Justin James
7 Benoit, to enable the court in Switzerland to complete the proceedings
8 before it.

9 DATED: July 12, 2022.
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12 STEPHANIE S. CHRISTENSEN
Acting United States Attorney
13 DAVID M. HARRIS
Assistant United States Attorney
14 Chief, Civil Division

15 */s/ Joanne S. Osinoff*

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17 Assistant United States Attorney
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